

DEPOSITION OF LISA KRALIK HANSEN

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF KENTUCKY
3 AT LEXINGTON
4
5 REPUBLIC SERVICES, INC.,)
6 PLAINTIFF,)
7 VS.) CIVIL ACTION
8) NO. 03-494 KSF
9 LIBERTY MUTUAL INSURANCE COMPANY,)
10 LIBERTY INSURANCE ACQUISITION)
11 CORPORATION F/K/A LIBERTY MUTUAL)
12 FIRE INSURANCE COMPANY, LIBERTY)
13 INSURANCE CORPORATION, LM)
14 INSURANCE CORPORATION, THE FIRST)
15 LIBERTY INSURANCE CORPORATION AND)
16 HELMSMAN MANAGEMENT SERVICES,)
17 INC.,)
18 DEFENDANTS.)
19)
20)
21)
22)
23)
24)
25)

16 DEPOSITION OF LISA KRALIK HANSEN, TAKEN
17 ON BEHALF OF PLAINTIFF, AT 5280 CANOGA
18 AVENUE, SUITE 250, WOODLAND HILLS,
19 CALIFORNIA, COMMENCING AT 10:01 A.M.,
20 TUESDAY, AUGUST 15, 2006, BEFORE
21 JUDY K. BOSWELL, CSR 7500.
22
23
24
25

DEPOSITION OF LISA KRALIK HANSEN

1 APPEARANCES OF COUNSEL:

2

3 FOR THE PLAINTIFF:

4 ROXBOROUGH, POMERANCE & NYE
5 BY: MICHAEL B. ADREANI, ESQ.
6 5820 CANOGA AVENUE
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8 WOODLAND HILLS, CALIFORNIA 91367
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7

-- AND --

8

9 MCBRAYER, MCGINNIS, LESLIE & KIRKLAND PLLC
10 BY: BRENT L. CALDWELL, ESQ.
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13 LEXINGTON, KENTUCKY 40507
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12

FOR THE DEFENDANTS:

13

14 STITES & HARBISON PLLC
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17

FOR THE DEPONENT:

18

19 PETERSON & BRADFORD, LLP
20 BY: RONALD J. SKOCYPEC, ESQ.
21 100 NORTH FIRST STREET
22 SUITE 300
23 BURBANK, CALIFORNIA 91502
24 818.562.5800

22

23

24

25

DEPOSITION OF LISA KRALIK HANSEN

I N D E X

DEPONENT: EXAMINED BY: PAGE:
LISA KRALIK HANSEN MR. ADREANI 5

EXHIBITS FOR IDENTIFICATION:

PLAINTIFF'S:

A - AFFIDAVIT OF LISA KRALIK HANSEN 9

QUESTIONS UNANSWERED BY DEPONENT:

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INFORMATION REQUESTED:

(NONE)

DEPOSITION OF LISA KRALIK HANSEN

1 WOODLAND HILLS, CALIFORNIA

2 TUESDAY, AUGUST 15, 2006

3 10:01 A.M.

4
5 LISA KRALIK HANSEN,

6 CALLED AS A DEPONENT AND SWORN IN BY

7 THE DEPOSITION OFFICER, WAS EXAMINED

8 AND TESTIFIED AS FOLLOWS:

9
10 DEPOSITION OFFICER: YOU DO SOLEMNLY AFFIRM THE
11 TESTIMONY YOU MAY GIVE IN THIS MATTER SHALL BE THE TRUTH,
12 THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH UNDER PENALTY
13 OF PERJURY?

14 THE DEPONENT: YES.

15
16 EXAMINATION

17 BY MR. ADREANI:

18 Q. GOOD MORNING, LISA.

19 A. GOOD MORNING.

20 Q. CAN YOU JUST GIVE YOUR FULL NAME FOR THE RECORD.

21 A. LISA KRALIK HANSEN.

22 Q. IF YOU CAN SPELL IT, TOO.

23 A. KRALIK, K-R-A-L-I-K, HANSEN, H-A-N-S-E-N.

24 Q. LISA, WE KNOW EACH OTHER, OBVIOUSLY. WE WORKED
25 TOGETHER IN THE PAST SO I'M GOING TO SKIP ALL THE

DEPOSITION OF LISA KRALIK HANSEN

1 ADMONITIONS. I THINK THAT'S APPROPRIATE. DO YOU AGREE?

2 A. WELL, I THINK IT WOULD JUST BE HELPFUL TO MAKE
3 SURE WE'RE ALL ON THE SAME PAGE FOR EVERYBODY IN THE ROOM.

4 Q. OKAY. YOU UNDERSTAND THAT THE OATH YOU WERE JUST
5 ADMINISTERED IS THE SAME OATH THAT YOU WOULD BE
6 ADMINISTERED IN A COURT OF LAW?

7 A. YES.

8 Q. IT CARRIES WITH IT THE PENALTY OF PERJURY.
9 DO YOU UNDERSTAND THAT?

10 A. YES.

11 Q. YOU UNDERSTAND THAT THERE'S A COURT REPORTER
12 TAKING DOWN EVERYTHING WE SAY?

13 A. YES.

14 Q. IT'S IMPORTANT TO HAVE A CLEAR TRANSCRIPT. DON'T
15 TALK OVER ME. I WON'T TALK OVER YOU.

16 YOU UNDERSTAND THAT?

17 A. YES.

18 Q. I'M ENTITLED TO YOUR BEST ESTIMATE AS TO EVENTS
19 AND THINGS THAT I ASK YOU ABOUT.

20 DO YOU KNOW THE DIFFERENCE BETWEEN AN ESTIMATE
21 AND A GUESS?

22 A. YES.

23 Q. I DON'T WANT YOU TO GUESS ABOUT ANYTHING OR
24 SPECULATE.

25 DO YOU UNDERSTAND THAT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YES.

2 Q. IF MY QUESTIONS ARE UNCLEAR, JUST ASK ME TO
3 CLARIFY THEM. I WILL. IF YOU ANSWER THE QUESTION, I WILL
4 ASSUME THAT YOU UNDERSTOOD THE QUESTION.

5 DO YOU UNDERSTAND THAT?

6 A. YES.

7 Q. HAVE YOU EVER GIVEN A DEPOSITION BEFORE?

8 A. NO.

9 Q. YOU'VE TAKEN ANY NUMBER OF DEPOSITIONS?

10 A. I'VE TAKEN DEPOSITIONS, YES.

11 Q. ARE YOU REPRESENTED BY COUNSEL?

12 A. YES, I AM.

13 Q. AND WHO IS YOUR ATTORNEY?

14 A. MY ATTORNEY IS THE LAW FIRM OF PETERSON &
15 BRADFORD.

16 Q. AND SPECIFICALLY MISTER?

17 A. MR. SKOCYPEC IS HERE TODAY.

18 Q. OTHER THAN -- WELL, YOUR CURRENT EMPLOYER IS
19 PETERSON & BRADFORD?

20 A. YES.

21 Q. OTHER THAN THE COMPENSATION YOU RECEIVE FROM THEM
22 AS PART OF YOUR NORMAL DUTIES, ARE YOU BEING PAID FOR YOUR
23 DUTIES TODAY?

24 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT
25 PRIVILEGE. INSTRUCT HER NOT TO ANSWER.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. ARE YOU ACCEPTING THE INSTRUCTION OF YOUR
3 COUNSEL?

4 A. YES, I AM.

5 Q. DO YOU HAVE ANY KIND OF DEAL WITH LIBERTY MUTUAL
6 IN TERMS OF COMPENSATION REGARDING SHOWING UP TODAY?

7 MR. SKOCYPEC: SAME OBJECTION. SAME INSTRUCTION.

8 MR. ADREANI: I'M NOT ASKING HOW MUCH SHE'S BEING
9 PAID. I'M ASKING IF.

10 Q. ARE YOU GOING TO ANSWER THE QUESTION?

11 MR. SKOCYPEC: IT'S THE SAME INSTRUCTION. SAME
12 OBJECTION.

13 MR. ADREANI: I DON'T GET TO KNOW IF THE WITNESS
14 IS BEING PAID BY A PARTY TO THIS CASE?

15 MR. SKOCYPEC: YOU DON'T GET TO KNOW IF THERE IS
16 AN ATTORNEY/CLIENT COMMUNICATION THAT IS BETWEEN
17 MS. HANSEN AND LIBERTY MUTUAL AND THE CONTENT OF THAT
18 COMMUNICATION.

19 BY MR. ADREANI:

20 Q. ARE YOU NOT GOING TO ANSWER THE QUESTION WHETHER
21 OR NOT YOU'RE BEING COMPENSATED BY LIBERTY TO BE HERE
22 TODAY?

23 A. NO. LIBERTY MUTUAL IS MY CURRENT CLIENT.

24 Q. OKAY.

25 A. ON OTHER MATTERS.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. ARE YOU REPRESENTING LIBERTY MUTUAL IN THE
2 REPUBLIC VERSUS LIBERTY MATTER?

3 A. NO.

4 Q. DID YOU REVIEW ANY DOCUMENTS IN PREPARATION FOR
5 THIS DEPOSITION?

6 A. YES.

7 Q. WHAT DID YOU REVIEW?

8 A. THE SUBPOENA AND MY DECLARATION.

9 Q. ANYTHING ELSE?

10 A. NO.

11 Q. DID YOU REVIEW THE MOTION TO WHICH YOUR AFFIDAVIT
12 WAS ATTACHED?

13 A. NO.

14 Q. LET'S JUST GO AHEAD AND HAVE THIS MARKED AS THE
15 FIRST EXHIBIT. THIS IS THE DECLARATION OR AFFIDAVIT OF
16 LISA KRALIK HANSEN. I'LL HAVE THIS MARKED AS EXHIBIT 1
17 BECAUSE WE'VE BEEN USING NUMBERS IN THIS CASE, ALTHOUGH
18 THE DOCUMENT I SHOWED YOU DOES HAVE IN THE LOWER
19 RIGHT-HAND CORNER AN EXHIBIT A, WHICH IS BECAUSE THAT WAS
20 EXHIBIT A TO A MOTION FILED BY LIBERTY. BUT WE WILL CALL
21 IT EXHIBIT 1 FOR THESE PURPOSES. OKAY?

22 A. (WITNESS NODS HEAD UP AND DOWN.)

23 (WHEREUPON PLAINTIFF'S EXHIBIT 1 WAS
24 MARKED FOR IDENTIFICATION AND IS
25 ATTACHED HERETO.)

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. IS THIS THE DOCUMENT YOU REVIEWED IN PREPARATION
3 FOR YOUR DEPOSITION?

4 MR. SKOCYPEC: ARE YOU TALKING ABOUT ABSENT THE
5 EXHIBIT A MARKING, I ASSUME, AND THE STUFF ON THE TOP?

6 MR. ADREANI: YEAH.

7 Q. OTHER THAN THE ELECTRONIC FILING INFORMATION ON
8 THE TOP AND THE EXHIBIT A NOTATION, IS THIS THE
9 DECLARATION?

10 A. IT APPEARS TO BE A COPY OF MY DECLARATION.

11 Q. IS THAT YOUR SIGNATURE ON PAGE 4?

12 A. YES, IT IS.

13 Q. OKAY. AND YOU HAD THIS DECLARATION OR AFFIDAVIT,
14 AS THEY CALL IT, YOU SIGNED THIS ON THE 1ST OF AUGUST OF
15 THIS YEAR?

16 A. YES, I DID.

17 Q. YOU HAD IT NOTARIZED THAT SAME DAY?

18 A. YES.

19 Q. IS THAT NOTARY SOMEONE IN YOUR OFFICE?

20 A. NO.

21 Q. WHO NOTARIZED IT? WHERE DID YOU GO TO GET THIS
22 NOTARIZED?

23 A. A NOTARY IN BURBANK.

24 Q. NOT SOMEONE AT PETERSON & BRADFORD?

25 A. NO.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. OTHER THAN THIS DOCUMENT AND THE SUBPOENA,
2 I BELIEVE YOU SAID YOU DIDN'T REVIEW ANY OTHER DOCUMENTS
3 FOR YOUR DEPOSITION TODAY.

4 A. I NEED TO CLARIFY. WELL, IF DOCUMENTS INCLUDES
5 E-MAILS, I REVIEWED AN E-MAIL SENT TO ME BY SOMEONE ELSE
6 IN MY OFFICE IN PREPARATION FOR THIS DEPOSITION TODAY.

7 Q. OKAY. AND WHO WAS THAT E-MAIL FROM?

8 A. FROM DIANA DISKIN.

9 Q. DIANA, WHAT'S THE LAST NAME?

10 A. DISKIN, D-I-S-K-I-N.

11 Q. IS SHE AN ATTORNEY?

12 A. NO.

13 Q. WHO IS DIANA DISKIN?

14 A. SHE IS A LAW CLERK.

15 Q. AND WHAT WAS THE SUBSTANCE OF THAT E-MAIL?

16 MR. SKOCYPEC: I'M GOING TO OBJECT ON
17 ATTORNEY/CLIENT PRIVILEGE AND ATTORNEY WORK PRODUCT
18 GROUNDS. INSTRUCT THE WITNESS NOT TO ANSWER.

19 MR. ADREANI: ARE YOU KIDDING?

20 MR. SKOCYPEC: DOES IT SOUND LIKE I WAS KIDDING?

21 MR. ADREANI: ALL RIGHT.

22 Q. ARE YOU GOING TO ACCEPT THAT INSTRUCTION?

23 A. YES.

24 Q. WHEN WAS THAT E-MAIL SENT TO YOU?

25 A. YESTERDAY.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. OTHER THAN THE SUBPOENA, THE DECLARATION,
2 AND THE E-MAIL, HAVE YOU REVIEWED ANY OTHER DOCUMENTS FOR
3 TODAY'S PROCEEDING?

4 A. I DON'T RECALL REVIEWING ANY OTHER DOCUMENTS
5 OTHER THAN THOSE TO PREPARE FOR THIS DEPOSITION.

6 Q. OKAY. WELL, THEN, OTHER THAN TO PREPARE FOR THIS
7 DEPOSITION, HAVE YOU REVIEWED ANY OTHER DOCUMENTS IN
8 RELATION TO YOUR AFFIDAVIT?

9 A. YES.

10 Q. OKAY. AND WHAT DOCUMENTS DID YOU REVIEW RELATED
11 TO THE DRAFTING OF YOUR AFFIDAVIT?

12 MR. SKOCYPEC: COUNSEL, I'M GOING TO HAVE TO HAVE
13 A SHORT CONFERENCE WITH HER TO MAKE SURE SHE'S NOT
14 REVEALING DOCUMENTS THAT ARE WITHIN THE ATTORNEY/CLIENT
15 PRIVILEGE OR THE ATTORNEY WORK PRODUCT.

16 MR. ADREANI: OKAY. I TYPICALLY DON'T LIKE THESE
17 KIND OF BREAKS WHEN QUESTIONS ARE PENDING, BUT IN THIS
18 KIND OF CIRCUMSTANCE --

19 MR. SKOCYPEC: IT'S BETTER THAN INSTRUCTING HER
20 NOT TO ANSWER.

21 MR. ADREANI: IT IS AND I APPRECIATE THAT AND
22 WE'LL TAKE A BREAK.

23 OFF THE RECORD.

24 (RECESS TAKEN, FROM 10:09 TO 10:17.)

25 (WHEREUPON THE PREVIOUS QUESTION WAS

DEPOSITION OF LISA KRALIK HANSEN

1 READ BACK BY THE DEPOSITION OFFICER AS
2 FOLLOWS:

3 "Q AND WHAT DOCUMENTS DID YOU
4 REVIEW RELATED TO THE DRAFTING OF YOUR
5 AFFIDAVIT?"

6 MR. SKOCYPEC: I THINK YOU CAN ANSWER THAT ONE
7 WITH MY OBJECTION.

8 THE DEPONENT: I REVIEWED INTERNAL E-MAILS FROM
9 OTHER PEOPLE AT THE PETERSON & BRADFORD LAW FIRM.
10 BY MR. ADREANI:

11 Q. OKAY. WHO WERE THEY FROM?

12 A. SUSAN OLSON, RON SKOCYPEC, MELODEE YEE, DIANA
13 DISKIN, AND MY SECRETARY, LIV KIRCHOFF, K-I-R-C-H-O-F-F.

14 Q. DID YOU YOURSELF DRAFT ANY E-MAILS RELATED TO THE
15 PREPARATION OF YOUR AFFIDAVIT?

16 A. YES.

17 Q. TO WHOM DID YOU DRAFT E-MAILS? ALL THE SAME
18 PEOPLE?

19 A. ONE OR MORE OF THOSE SAME PEOPLE.

20 Q. WERE ANY OF THESE E-MAILS FROM SUSAN, RON,
21 MELODEE, OR DIANA FORWARDS OF E-MAILS FROM ANYONE AT
22 MS. GILFORD'S FIRM?

23 A. THEY MIGHT HAVE BEEN.

24 Q. OKAY. AND WHAT DID THOSE E-MAILS SAY?

25 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT

DEPOSITION OF LISA KRALIK HANSEN

1 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS
2 NOT TO ANSWER.

3 MR. ADREANI: MS. GILFORD AND HER FIRM, THE
4 STITES FIRM ARE NOT MS. HANSEN'S ATTORNEY.

5 MR. SKOCYPEC: NO. BUT THEY'RE LIBERTY'S
6 ATTORNEYS AND WE'RE ALL LIBERTY'S ATTORNEYS IN VARIOUS
7 MATTERS, INCLUDING MATTERS THAT YOU'RE MAKING INQUIRY OF.
8 BY MR. ADREANI:

9 Q. DID YOU PREPARE THIS AFFIDAVIT AS AN ATTORNEY FOR
10 LIBERTY MUTUAL?

11 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.

12 THE DEPONENT: I MEAN, I AM CURRENTLY AN ATTORNEY
13 FOR LIBERTY MUTUAL. THAT'S THE QUESTION.

14 BY MR. ADREANI:

15 Q. DID YOU PREPARE THIS DECLARATION IN YOUR CAPACITY
16 AS AN ATTORNEY REPRESENTING LIBERTY MUTUAL?

17 A. I WORK AS AN ATTORNEY WHO REPRESENTS LIBERTY
18 MUTUAL.

19 Q. THAT'S NOT MY QUESTION, LISA.

20 A. THEN I GUESS I DON'T UNDERSTAND YOUR QUESTION.

21 Q. WHEN DID YOU FIRST FIND OUT THAT YOU WERE TO DO
22 AN AFFIDAVIT?

23 A. I DON'T KNOW THAT I EVER FOUND OUT I WAS TO DO AN
24 AFFIDAVIT.

25 Q. WHEN DID YOU FIRST BECOME AWARE OF THE REPUBLIC

DEPOSITION OF LISA KRALIK HANSEN

1 CASE AGAINST LIBERTY MUTUAL?

2 A. IN JULY.

3 Q. WHEN IN JULY?

4 A. I DON'T RECALL THE SPECIFIC DATE. I THINK IT WAS
5 MID JULY.

6 Q. AND HOW DID YOU COME -- HOW DID YOU BECOME AWARE
7 OF THE CASE REPUBLIC VERSUS LIBERTY?

8 A. THROUGH SUSAN OLSON AT MY OFFICE.

9 Q. AND WAS THAT A CONVERSATION OR AN E-MAIL?

10 A. I BELIEVE IT WAS BOTH.

11 Q. ALL RIGHT. ARE YOU AWARE OF HOW MS. OLSON BECAME
12 AWARE OF THE CASE?

13 A. I'M NOT SURE WITHOUT GUESSING.

14 Q. WAS IT FROM THE STITES FIRM?

15 A. I'M NOT SURE WITHOUT GUESSING.

16 Q. DO YOU KNOW WHETHER IT WAS SOMEONE FROM LIBERTY
17 MUTUAL?

18 A. I'M NOT SURE WITHOUT GUESSING.

19 Q. OKAY. SO YOU BECAME AWARE THROUGH SUSAN --
20 SOMEHOW THROUGH SUSAN OLSON IN THE MIDDLE OF JULY 2006
21 THAT THIS CASE EXISTED. WHAT DID YOU LEARN ABOUT THE CASE
22 AT THAT TIME?

23 MR. SKOCYPEC: OBJECTION. ATTORNEY WORK PRODUCT.
24 ATTORNEY/CLIENT PRIVILEGE. INSTRUCT THE WITNESS NOT TO
25 ANSWER.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. ARE YOU GOING TO ACCEPT THAT INSTRUCTION?

3 A. YES.

4 Q. WHO ASKED YOU TO DO AN AFFIDAVIT?

5 A. I DON'T RECALL THAT I WAS ASKED TO DO AN
6 AFFIDAVIT.

7 Q. DID YOU VOLUNTEER TO DO AN AFFIDAVIT?

8 A. I MAY HAVE.

9 Q. YOU DON'T RECALL?

10 A. I DON'T SPECIFICALLY RECALL AS I SIT HERE TODAY.

11 Q. WELL, HOW DID IT COME ABOUT THAT YOU PREPARED
12 THIS AFFIDAVIT?

13 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.
14 DO YOU UNDERSTAND THAT QUESTION?

15 THE DEPONENT: I BECAME AWARE OF THE REPUBLIC
16 SERVICES LAWSUIT. I LEARNED IN JULY THAT ATTORNEY CRAIG
17 PYNES WAS AN ATTORNEY FOR REPUBLIC SERVICES IN THIS CASE
18 IN KENTUCKY AND I KNEW THAT CRAIG PYNES USED TO BE AN
19 ATTORNEY WITH MY PRIOR LAW FIRM, KERN & WOOLEY, WHO WORKED
20 SIGNIFICANTLY, IF NOT EXCLUSIVELY, ON LIBERTY MUTUAL
21 MATTERS WHILE HE WAS EMPLOYED BY KERN & WOOLEY.

22 BY MR. ADREANI:

23 Q. AND AT SOME POINT YOU DRAFTED THIS DECLARATION?
24 OR I ASSUME YOU DRAFTED IT. DID YOU?

25 A. I PARTICIPATED IN THE DRAFTING OF THIS DOCUMENT.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. OKAY. WHEN IS -- I THINK WE'VE ALREADY
2 ESTABLISHED YOU SIGNED IT ON AUGUST 1ST, BUT WHEN DID
3 YOU BEGIN IN THE PARTICIPATION OF DRAFTING THIS DOCUMENT?

4 A. IT WOULD HAVE BEEN MID TO LATE JULY. I DON'T
5 RECALL THE SPECIFIC DATE.

6 Q. IN RELATION TO THE DRAFTING OF THIS DOCUMENT, DID
7 YOU REVIEW ANY DOCUMENTS, OTHER THAN WHAT YOU'VE ALREADY
8 TOLD ME ABOUT, IN RELATION TO PREPARING THE DOCUMENT?

9 A. I HAVE SEEN, BECAUSE IT WAS SITTING ON MY DESK, A
10 COPY OF THE COMPLAINT IN THE REMEDY TEMP LAWSUIT. I DID
11 NOT REVIEW OR REREAD THAT COMPLAINT IN PREPARATION FOR THE
12 DECLARATION.

13 Q. ANYTHING ELSE?

14 A. NO.

15 Q. YOU HAVEN'T LOOKED AT ANY DOCUMENTS RELATED TO
16 THE REPUBLIC MATTER?

17 A. NO, I HAVE NOT.

18 Q. DID YOU EVER SEE THE MOTION FILED BY LIBERTY
19 RELATED TO YOUR AFFIDAVIT?

20 A. I THINK I ALREADY ANSWERED THAT QUESTION, BUT NO.

21 Q. THE QUESTION BEFORE WAS WHETHER OR NOT YOU READ
22 THAT OPPOSITION FOR THAT MOTION PREPARING FOR YOUR
23 DEPOSITION. I'M WONDERING IF YOU'VE EVER SEEN IT. AND
24 THE ANSWER IS NO?

25 A. NO.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. HAVE YOU EVER BEEN PROVIDED ANY DOCUMENTATION
2 FROM ANYBODY RELATED TO THE REPUBLIC CASE?

3 A. NO.

4 Q. YOU'VE NOT READ ANY DEPOSITIONS, FOR INSTANCE?

5 A. NO.

6 Q. OTHER THAN DOCUMENTS AND -- THE DOCUMENTS YOU'VE
7 IDENTIFIED RELATED TO THE DRAFTING OF THIS AFFIDAVIT, DID
8 YOU HAVE ANY CONVERSATIONS WITH ANYBODY RELATING TO THE
9 DRAFTING OF THIS AFFIDAVIT?

10 A. YES.

11 Q. WITH WHOM?

12 A. THE SAME PEOPLE WITHIN MY LAW FIRM.

13 Q. SO THE ONLY PEOPLE YOU TALKED TO REGARDING THIS
14 ISSUE, THIS AFFIDAVIT, WERE PETERSON & BRADFORD PEOPLE?

15 A. I HAVE ALSO SPOKEN WITH MARSHALL HIXSON.

16 Q. WHEN?

17 A. SOMETIME IN JULY SHORTLY BEFORE THE DECLARATION
18 WAS FILED.

19 Q. AND WHAT WAS THE SUBJECT OF THAT DEPOSITION?

20 MR. SKOCYPEC: OBJECTION.

21 MR. ADREANI: MR. HIXSON IS NOT MS. HANSEN'S
22 ATTORNEY.

23 MR. SKOCYPEC: WELL, I THINK WE WENT OVER THIS,
24 COUNSEL. HE'S LIBERTY MUTUAL'S ATTORNEY, AS ARE WE, IN
25 NUMEROUS CASES.

DEPOSITION OF LISA KRALIK HANSEN

1 MR. ADREANI: MR. HIXSON IS NOT MS. HANSEN'S
2 ATTORNEY.

3 MR. SKOCYPEC: COUNSEL, IT DOESN'T MATTER.

4 MR. ADREANI: OKAY. YOU'RE GOING TO SUBMIT A
5 DECLARATION AND NOT TESTIFY ABOUT HOW THIS DECLARATION
6 CAME TO BE BECAUSE IT'S SHIELDED BY ATTORNEY/CLIENT? YOU
7 CAN'T HAVE IT BOTH WAYS, COUNSEL.

8 MR. SKOCYPEC: WELL, COUNSEL, YOU HAVEN'T ASKED
9 ABOUT ANY OF THE SUBSTANCE OF THIS DECLARATION WHATSOEVER
10 YET. YOU'RE ASKING PERIPHERAL QUESTIONS REGARDING --
11 THEY'RE MEANINGLESS QUESTIONS. IF YOU ASK SOMETHING ABOUT
12 THE DECLARATION AND THE CONTENT OF THE DECLARATION, THE
13 WITNESS IS HERE TO TESTIFY ABOUT IT.

14 MR. ADREANI: I HAVE EVERY RIGHT TO ASK THIS
15 WITNESS ABOUT HOW THIS DECLARATION CAME TO BE, ABOUT THE
16 WITNESS'S BIASES, ABOUT THE WITNESS'S CONVERSATIONS
17 RELATED TO THE DRAFTING OF THIS DOCUMENT.

18 Q. MS. HANSEN, HOW MANY DRAFTS OF THIS DOCUMENT WERE
19 THERE?

20 A. TWO OR THREE, TO THE BEST OF MY RECOLLECTION.

21 Q. AND WITH WHOM DID YOU EXCHANGE THESE DRAFTS?

22 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

23 BY MR. ADREANI:

24 Q. MS. HANSEN, YOU SAID EARLIER THAT YOU
25 PARTICIPATED IN DRAFTING THIS DECLARATION; RIGHT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. CORRECT.

2 Q. WHO ELSE PARTICIPATED IN DRAFTING THIS
3 DECLARATION?

4 A. MY SECRETARY.

5 Q. LIV?

6 A. YES.

7 Q. ANYONE ELSE?

8 A. SUSAN OLSON, MR. SKOCYPEC.

9 Q. MR. HIXSON?

10 A. I DON'T KNOW.

11 Q. YOU DON'T KNOW IF -- WELL, OKAY. YOU YOURSELF,
12 LIV, SUSAN OLSON, AND RON PARTICIPATED IN DRAFTING THIS
13 DECLARATION. ANYONE ELSE?

14 A. OUR LAW CLERK, DIANA DISKIN, MAY HAVE ALSO. SHE
15 WOULDN'T HAVE DRAFTED THE DECLARATION, BUT SHE HELPED IN
16 THE PROCESS.

17 Q. CAN YOU BE MORE SPECIFIC?

18 A. ABOUT WHAT?

19 Q. OTHER THAN THE PEOPLE YOU MENTIONED, DID ANYONE
20 ELSE PARTICIPATE IN THE DRAFTING OF THIS DECLARATION?

21 A. I RECEIVED A CAPTION, I BELIEVE, FROM MR. HIXSON
22 FOR THIS KENTUCKY LAWSUIT, AND MAY HAVE BEEN A SKELETON
23 DECLARATION WITH SOME OF THE BEGINNING LANGUAGE AND THE
24 NOTARY LANGUAGE.

25 Q. OTHER THAN MR. HIXSON AND THE PEOPLE YOU

DEPOSITION OF LISA KRALIK HANSEN

1 MENTIONED FROM YOUR FIRM, DID ANYONE ELSE PARTICIPATE IN
2 THE DRAFTING OF THIS DECLARATION?

3 MR. SKOCYPEC: COUNSEL, YOU KEEP REFERRING TO
4 THIS AS A DECLARATION. I HAVE NOT BEEN OBJECTING.
5 OBVIOUSLY IT'S NOT A DECLARATION. IT'S AN AFFIDAVIT. BUT
6 IF YOU WANT US TO REFER TO IT AS THE DECLARATION, THAT'S
7 FINE.

8 MR. ADREANI: WHY DON'T WE AGREE THAT WHEN I TALK
9 ABOUT THE DECLARATION OR THE AFFIDAVIT, WE'RE REFERRING TO
10 EXHIBIT 1.

11 MR. SKOCYPEC: THAT'S FINE.

12 THE DEPONENT: ANYONE ELSE? NO.

13 BY MR. ADREANI:

14 Q. DID YOU EVER RUN THIS BY ANYONE AT LIBERTY?

15 A. DID I? NO.

16 Q. DID ANYONE?

17 A. I DON'T KNOW.

18 Q. SO IT'S POSSIBLE THAT SUSAN OR RON DID; RIGHT?

19 A. ANYTHING'S POSSIBLE.

20 Q. OKAY. AND DID YOU EVER -- WELL, SOME OF THIS
21 LANGUAGE IN THE DECLARATION DIDN'T COME FROM YOU, DID IT?
22 I MEAN, SOMEONE AT THE STITES FIRM HAD SOMETHING TO DO
23 WITH THE LANGUAGE IN THIS DECLARATION; RIGHT?

24 A. SOME OF IT. SOME OF THE INTRODUCTORY, "COMES THE
25 AFFIANT," MY NAME.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. DID ANYONE AT THE STITES FIRM REVISE THIS, REVISE
2 THE LANGUAGE IN THIS?

3 A. NO.

4 Q. FOR INSTANCE, IF YOU LOOK AT PAGE 2 OF THE
5 AFFIDAVIT AT PARAGRAPH 6, AT THE VERY BOTTOM THERE YOU SAY
6 MS. GICHTIN WORKED EXTENSIVELY ON LITIGATION STYLED REMEDY
7 TEMP VERSUS LIBERTY. DO YOU SEE THAT?

8 A. YES.

9 Q. "STYLE," THAT'S NOT A WORD WE USE HERE. SOMEONE
10 FROM KENTUCKY WROTE THAT; RIGHT?

11 MR. SKOCYPEC: OBJECTION. ARGUMENTATIVE.
12 BY MR. ADREANI:

13 Q. WELL, ISN'T IT TRUE?

14 MR. SKOCYPEC: COUNSEL, I GUESS YOU HAVEN'T BEEN
15 PRACTICING LAW LONG ENOUGH IN CALIFORNIA. IT HAPPENS ALL
16 THE TIME. BUT IT'S ARGUMENTATIVE. THAT WORD IS NOT
17 UNIQUE. IT'S AN ARGUMENTATIVE QUESTION. AND IF YOU'VE
18 BEEN AROUND LONG ENOUGH, YOU'D KNOW THAT PEOPLE USE
19 "STYLED."

20 MR. ADREANI: WELL, RON, I'VE BEEN PRACTICING
21 LONG ENOUGH TO KNOW THAT IN A FEDERAL COURT CASE, YOU CAN
22 OBJECT TO THE FORM OF THE QUESTION AND KEEP THE COMMENTARY
23 TO YOURSELF.

24 THE DEPONENT: IS THE WORD "STYLED" -- THAT IS
25 NOT MY WORD. I DON'T KNOW WHOSE WORD IT IS.

DEPOSITION OF LISA KRALIK HANSEN

1 BY MR. ADREANI:

2 Q. OKAY. SO WHO IN KENTUCKY AT THE STITES FIRM
3 HELPED YOU DRAFT THIS DECLARATION?

4 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

5 BY MR. ADREANI:

6 Q. WAS IT MR. HIXSON?

7 MR. SKOCYPEC: OBJECTION. LACK OF FOUNDATION.

8 MR. ADREANI: THOSE ARE ALL FORM OBJECTIONS, BY
9 THE WAY, RON. ALL YOU NEED TO SAY IS "OBJECT TO FORM."

10 THE DEPONENT: NO ONE HELPED ME DRAFT THE
11 DECLARATION. I PREVIOUSLY TESTIFIED THAT THERE WAS SOME
12 BARE BONES LANGUAGE IN THE DECLARATION AND THAT WOULD HAVE
13 INCLUDED "COMES THE AFFIANT" LANGUAGE AT THE VERY
14 BEGINNING, PART OF PARAGRAPH THREE, I RECALL PART OF
15 PARAGRAPH FIVE, MAYBE PART OF PARAGRAPH SIX, TO THE BEST
16 OF MY RECOLLECTION, THE ENDING SENTENCE, "FURTHER AFFIANT
17 SAYETH NOT," I MEAN, THE FORM OF THE AFFIDAVIT.

18 BY MR. ADREANI:

19 Q. UH-HUH. I UNDERSTAND.

20 AND ALL OF THOSE THINGS THAT YOU'RE IDENTIFYING,
21 THE PORTIONS THAT YOU JUST IDENTIFIED WERE -- IT WAS THE
22 STITES FIRM OR MR. HIXSON IN PARTICULAR WHO WAS
23 PARTICIPATING IN THE DRAFTING ON THAT LEVEL?

24 A. I RECEIVED A BARE BONES -- WHAT I RECALL, A BARE
25 BONES AFFIDAVIT AND I DRAFTED THE CONTENTS OF THE

DEPOSITION OF LISA KRALIK HANSEN

1 DECLARATION AND REVISED THE DOCUMENT IN MY OFFICE.

2 Q. OKAY.

3 A. AND CREATED THE DOCUMENT IN MY OFFICE.

4 Q. OKAY. AND TO THE EXTENT YOU DRAFTED PORTIONS OF
5 THIS, WAS THAT REVISED AT ALL BY ANYBODY?

6 A. REVISIONS WERE MADE BY MYSELF TO MY OWN DRAFT.
7 MY SECRETARY DID REVISIONS. I DON'T BELIEVE -- OTHER
8 PEOPLE IN MY OFFICE LOOKED AT THE DOCUMENT, BUT I DON'T
9 BELIEVE ANYBODY ELSE IN MY OFFICE, WITH THE EXCEPTION OF,
10 PERHAPS, MR. SKOCYPEC, MADE REVISIONS.

11 Q. AND JUST SO I UNDERSTAND THE TIMEFRAME, YOU FOUND
12 OUT ABOUT THIS SOMETIME IN THE MIDDLE OF JULY AND YOU
13 SIGNED YOUR AFFIDAVIT ON AUGUST 1ST; RIGHT?

14 A. CORRECT.

15 Q. SO IN THE MEANTIME, THE DRAFTING TOOK PLACE AT
16 THAT LAST PART OF JULY?

17 A. I DON'T RECALL WHEN MY DRAFTING AND MY ACTUAL
18 WORK ON THE DECLARATION STARTED AS OPPOSED TO WHEN I FOUND
19 OUT ABOUT THE KENTUCKY LAWSUIT. IT DID NOT START
20 IMMEDIATELY ONCE I FOUND OUT ABOUT THE LAWSUIT.

21 Q. HAVE YOU EVER TALKED TO MR. HIXSON?

22 A. YES.

23 Q. AND WHEN WAS THAT?

24 A. ONCE OR TWICE IN JULY. I BELIEVE TWICE IN JULY.

25 Q. WHAT DID YOU DISCUSS?

DEPOSITION OF LISA KRALIK HANSEN

1 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT
2 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS
3 NOT TO ANSWER.

4 BY MR. ADREANI:

5 Q. ARE YOU ACCEPTING THE INSTRUCTION?

6 A. YES.

7 Q. DID YOU DISCUSS THIS MATTER, AND I MEAN THAT
8 GENERALLY, THE AFFIDAVIT, YOUR DEPOSITION WITH ANYBODY AT
9 LIBERTY MUTUAL, INCLUDING HOUSE COUNSEL?

10 A. YES.

11 Q. WHO?

12 A. BILL CUPELO.

13 Q. AND WHEN DID YOU SPEAK TO MR. CUPELO?

14 A. I DON'T RECALL THE DATE, DATES.

15 Q. WELL, CAN WE NARROW IT DOWN TO SOMETIME BETWEEN
16 THE MIDDLE OF JULY AND AUGUST 1ST?

17 A. I WOULD HAVE HAD DISCUSSIONS WITH MR. CUPELO
18 ABOUT THE KENTUCKY LAWSUIT IN THAT TIMEFRAME, YES.

19 Q. OKAY. IS IT LIMITED TO THAT TIMEFRAME?

20 A. NO.

21 Q. ABOUT THE KENTUCKY LAWSUIT HAVE YOU TALKED TO HIM
22 MORE RECENTLY THAN THAT?

23 A. YES.

24 Q. OKAY. WHEN DID YOU LAST SPEAK WITH MR. CUPELO
25 ABOUT THE KENTUCKY LAWSUIT, THIS DECLARATION, OR YOUR

DEPOSITION OF LISA KRALIK HANSEN

1 DEPOSITION?

2 A. I BELIEVE IT WAS AUGUST 3RD UPON MY RECEIPT OF
3 THE DEPOSITION SUBPOENA.

4 Q. WHAT DID YOU DISCUSS WITH MR. CUPELO?

5 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT
6 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS
7 NOT TO ANSWER.

8 BY MR. ADREANI:

9 Q. ARE YOU ACCEPTING THE INSTRUCTION?

10 A. YES.

11 Q. OKAY. PRIOR TO AUGUST 3RD, WHAT WERE YOUR
12 DISCUSSIONS -- WHAT WAS THE CONTEXT OF YOUR -- OR I'M
13 SORRY. WHAT WAS THE CONTEXT OF YOUR DISCUSSIONS WITH
14 MR. CUPELO?

15 MR. SKOCYPEC: OBJECTION. ATTORNEY CLIENT
16 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS
17 NOT TO ANSWER.

18 BY MR. ADREANI:

19 Q. AGAIN, I'M SPEAKING RELATED ONLY TO THIS
20 DECLARATION THAT YOU GAVE TO THE KENTUCKY LAWSUIT,
21 REPUBLIC VERSUS LIBERTY, AND YOUR DEPOSITION TODAY.

22 SAME OBJECTION? SAME INSTRUCTION?

23 MR. SKOCYPEC: YES, COUNSEL.

24 BY MR. ADREANI:

25 Q. YOU ACCEPT?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YES.

2 Q. OKAY. OTHER THAN MR. HIXSON AND MR. CUPELO, HAVE
3 YOU SPOKEN TO ANYONE ELSE FROM THE STITES & HARBISON FIRM
4 ABOUT YOUR DECLARATION, THE KENTUCKY LAWSUIT, OR YOUR
5 DEPOSITION TODAY?

6 A. UPON MY RECEIPT OF THE DEPOSITION SUBPOENA, I
7 SPOKE WITH MR. HIXSON, AND I BELIEVE THERE WAS ANOTHER
8 GENTLEMAN ALSO ON THE PHONE FROM HIS OFFICE THERE, I DON'T
9 KNOW THE NAME OF THAT PERSON, WHEN WE WERE SPEAKING.

10 Q. WAS IT MR. KELLER?

11 A. I DON'T KNOW.

12 Q. OKAY. MR. PARSONS?

13 A. I DON'T KNOW.

14 Q. OKAY. AND WHAT DID YOU DISCUSS ON THAT CALL?

15 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT
16 PRIVILEGE. ATTORNEY WORK PRODUCT. INSTRUCT THE WITNESS
17 NOT TO ANSWER.

18 BY MR. ADREANI:

19 Q. DO YOU ACCEPT?

20 A. YES.

21 Q. WHY DID YOU DO THIS AFFIDAVIT?

22 MR. SKOCYPEC: OBJECTION. WORK PRODUCT.
23 INSTRUCT THE WITNESS NOT TO ANSWER.

24 BY MR. ADREANI:

25 Q. DO YOU ACCEPT THAT INSTRUCTION?

DEPOSITION OF LISA KRALIK HANSEN

1 A. YEAH.

2 MR. ADREANI: I DON'T GET TO KNOW WHY SHE DID
3 THIS AFFIDAVIT? THAT'S FINE IF THAT'S THE INSTRUCTION.

4 MR. SKOCYPEC: YEAH.

5 MR. ADREANI: OKAY.

6 MR. SKOCYPEC: I DON'T SEE HOW THAT'S NOT WORK
7 PRODUCT.

8 MR. ADREANI: WELL --

9 MR. SKOCYPEC: IT'S CERTAINLY HER THOUGHT
10 PROCESS.

11 MR. ADREANI: I'M PRETTY SURE OUR JUDGE IN
12 KENTUCKY WILL BE INTERESTED IN THAT ANSWER.

13 Q. LET'S LOOK AT THE AFFIDAVIT.

14 BY THE WAY, DO YOU HAVE A CONFIDENTIALITY
15 AGREEMENT WITH KERN & WOOLEY?

16 MR. SKOCYPEC: OBJECTION. VAGUE AND AMBIGUOUS.

17 THE DEPONENT: I DON'T KNOW WHAT YOU MEAN BY
18 "CONFIDENTIALITY AGREEMENT" WITH MY FORMER LAW FIRM. I
19 MEAN, THERE'S ETHICS RULES AND -- THAT APPLY, I BELIEVE,
20 IRRESPECTIVE OF CONFIDENTIALITY AGREEMENT.

21 BY MR. ADREANI:

22 Q. DID YOU EVER SIGN OFF ON A CONFIDENTIALITY
23 AGREEMENT IN CONJUNCTION WITH YOUR EMPLOYMENT AT KERN &
24 WOOLEY?

25 MR. SKOCYPEC: SAME OBJECTION. VAGUE AND

DEPOSITION OF LISA KRALIK HANSEN

1 AMBIGUOUS.

2 THE DEPONENT: I DON'T RECALL DOING SO.

3 BY MR. ADREANI:

4 Q. SO I ASSUME THAT YOU HAVEN'T OBTAINED ANY WAIVERS
5 FROM KERN & WOOLEY WITH REGARD TO YOUR AFFIDAVIT OR YOUR
6 TESTIMONY TODAY.

7 A. TO MY KNOWLEDGE THERE IS NO WAIVER OF ANY
8 ATTORNEY/CLIENT PRIVILEGE OR ANY WORK PRODUCT PROTECTION.

9 Q. THAT'S NOT WHAT I'M ASKING ABOUT. I'M ASKING
10 ABOUT WAIVERS OF AGREEMENTS THAT YOU HAVE, IF ANY, WITH
11 KERN & WOOLEY.

12 A. I DON'T KNOW THAT I HAVE ANY AGREEMENTS, ANY
13 WRITTEN AGREEMENTS WITH KERN & WOOLEY.

14 Q. SO IN PREPARING THIS AFFIDAVIT AND GIVING
15 TESTIMONY TODAY, YOU DIDN'T SEEK ANY WAIVER FROM KERN &
16 WOOLEY AS TO ANY AGREEMENT THAT YOU MIGHT HAVE HAD WITH
17 THEM?

18 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE
19 QUESTION.

20 BY MR. ADREANI:

21 Q. RIGHT?

22 A. I CAN'T SEEK A WAIVER IF AN AGREEMENT DOESN'T
23 EXIST. I'M NOT AWARE OF ANY CONFIDENTIALITY AGREEMENT
24 THAT EXISTS.

25 Q. SO YOU DIDN'T SEEK A WAIVER OF ANYTHING, RIGHT?

DEPOSITION OF LISA KRALIK HANSEN

1 MR. SKOCYPEC: COUNSEL, YOU'RE BADGERING THE
2 WITNESS NOW. THAT'S JUST BADGERING. HOW CAN YOU SEEK A
3 WAIVER FOR SOMETHING THAT DOESN'T EXIST?

4 MR. ADREANI: SHE DIDN'T SAY IT DIDN'T EXIST,
5 RON.

6 MR. SKOCYPEC: LET'S GO ON WITH REAL QUESTIONING,
7 COUNSEL.

8 MR. ADREANI: SHE DIDN'T SAY IT DIDN'T EXIST.
9 SHE SAID SHE DIDN'T KNOW.

10 Q. SO OBVIOUSLY YOU DIDN'T GET ANY WAIVERS AT ALL;
11 RIGHT? SINCE THE MIDDLE OF JULY WHEN YOU FOUND OUT ABOUT
12 THIS, HAVE YOU GONE TO KERN & WOOLEY AND ASKED FOR ANY
13 WAIVERS FOR ANYTHING?

14 A. NO.

15 Q. WHEN DID MR. PYNES START AT KERN & WOOLEY?

16 A. TO THE BEST OF MY RECOLLECTION, IT WAS IN AUGUST
17 OF 2003.

18 Q. HE ONLY WORKED THERE ABOUT EIGHT MONTHS; RIGHT?

19 A. APPROXIMATELY, YES.

20 Q. AND YOU WERE ONE OF HIS SUPERVISORS?

21 A. I WAS ONE OF THE SUPERVISING ATTORNEYS IN THE
22 PRACTICE GROUP IN WHICH HE WORKED.

23 Q. AND WHO COMPRISED THAT PRACTICE GROUP AT THAT
24 TIME?

25 LET ME ASK A BETTER QUESTION, LISA. SORRY.

DEPOSITION OF LISA KRALIK HANSEN

1 HOW MANY ATTORNEYS WERE IN THAT PRACTICE GROUP AT
2 THAT TIME WHEN MR. PYNES JOINED YOU?

3 A. GIVE ME A MINUTE.

4 TO THE BEST OF MY RECOLLECTION, SIX TO EIGHT.

5 Q. AND THAT INCLUDED MR. SKOCYPEC?

6 I'M SORRY IF I GOT YOUR NAME WRONG, RON.

7 THAT INCLUDED RON?

8 A. YES.

9 Q. AND SUSAN?

10 A. YES.

11 Q. AND MELODEE?

12 A. YES.

13 Q. IN YOUR DECLARATION IN PARAGRAPH 4, PAGE 2, THIS
14 IS THE ONLY PARAGRAPH IN HERE REGARDING MR. PYNES; RIGHT?

15 A. OTHER THAN PARAGRAPH 3?

16 Q. THANK YOU. YES.

17 A. YES, PARAGRAPH 4.

18 Q. YOU SAY THAT MR. PYNES WORKED ALMOST EXCLUSIVELY
19 ON MATTERS FOR LIBERTY MUTUAL GROUP OF COMPANIES. WHAT
20 OTHER CLIENTS DID HE WORK FOR?

21 A. WHAT OTHER CLIENTS DID HE WORK FOR?

22 MR. SKOCYPEC: OBJECTION. ATTORNEY/CLIENT
23 PRIVILEGE. ATTORNEY WORK PRODUCT, EXCEPT TO THE EXTENT HE
24 MAY HAVE PUBLICLY MADE AN APPEARANCE IN A CASE. SO IF WE
25 CAN AT LEAST RESTRICT IT TO THAT, SHE CAN ANSWER, BUT

DEPOSITION OF LISA KRALIK HANSEN

1 OTHERWISE SHE'S INSTRUCTED NOT TO ANSWER.

2 MR. ADREANI: ALL RIGHT.

3 THE DEPONENT: TO THE BEST OF MY RECOLLECTION,
4 I'M NOT AWARE OF MR. PYNES WORKING ON MATTERS FOR CLIENTS
5 OTHER THAN A LIBERTY MUTUAL GROUP OF COMPANIES.

6 MR. SKOCYPEC: SO MUCH FOR MY OBJECTION.

7 MR. ADREANI: IT WAS WELL STATED, THOUGH, RON.

8 MR. CALDWELL: VERY WELL STATED.

9 BY MR. ADREANI:

10 Q. YOU HAVE HERE SOME AREAS WHERE MR. PYNES WORKED,
11 INCLUDING COVERAGE, DEFENSIVE BAD FAITH, BREACH OF
12 CONTRACT, IMPLIED COVENANT, AND FRAUD; RIGHT?

13 A. THAT'S WHAT IT SAYS.

14 Q. WELL, THAT'S ALSO YOUR RECOLLECTION; RIGHT?

15 A. AS I SIT HERE TODAY OR AS OF THE TIME I SIGNED
16 THE DECLARATION?

17 Q. MR. PYNES NEVER WORKED ON ANY OF THOSE CASES WITH
18 REGARD TO WORKERS' COMPENSATION BAD FAITH, DID HE?

19 A. YES, HE DID.

20 Q. WHAT CASE WAS THAT?

21 A. TONY'S FINE FOODS VERSUS LIBERTY MUTUAL, I
22 BELIEVE, IS THE CAPTION OF THE CASE.

23 Q. WHAT OTHER CASE DID HE WORK ON? THAT WAS THE
24 ONLY ONE?

25 A. WHAT DO YOU MEAN BY "OTHER CASE"?

DEPOSITION OF LISA KRALIK HANSEN

1 Q. WELL, WE'LL GET TO THE TONY'S FINE FOOD VERSUS
2 LIBERTY. BUT THE QUESTION WAS THAT MR. PYNES DIDN'T WORK
3 ON ANY CASE INVOLVING WORKERS' COMPENSATION BAD FAITH.
4 AND YOU SAID THAT'S NOT TRUE; RIGHT?

5 A. CORRECT.

6 Q. YOU'VE GIVEN ME ONE NAME OF ONE CASE. WHAT ELSE?

7 A. OTHER WORKERS' COMPENSATION RELATED CASE FOR
8 LIBERTY MUTUAL?

9 Q. I SAID WORKERS' COMPENSATION BAD FAITH CASES.

10 A. TO THE BEST OF MY RECOLLECTION, THAT TONY'S FINE
11 FOODS IS THE ONLY WORKERS' COMPENSATION BAD FAITH CASE
12 THAT MR. PYNES WORKED ON.

13 Q. OTHER THAN THAT, MR. PYNES WORKED ON OTHER LINES
14 OF INSURANCE; RIGHT?

15 A. YES.

16 Q. OKAY. ON TONY'S FINE FOODS, MR. PYNES -- HE
17 WORKED WHAT? THREE HOURS ON THAT CASE?

18 A. I DON'T KNOW THE HOURS SPENT.

19 Q. WELL, HOW DO YOU KNOW HE WORKED ON IT?

20 A. IN DISCUSSIONS WITH OTHER PEOPLE IN MY OFFICE TO
21 PREPARE FOR TODAY'S DEPOSITION, MY RECOLLECTION WAS
22 REFRESHED THAT ONE OF THE CASES THAT MR. PYNES WORKED ON
23 WHILE AT KERN & WOOLEY WAS TONY'S FINE FOODS. AND I WAS
24 ALSO MADE AWARE THAT HE WAS ASSIGNED A DOCUMENT REVIEW, A
25 PRIVILEGE REVIEW, AND PREPARATION OF A PRIVILEGE LOG.

DEPOSITION OF LISA KRALIK HANSEN

1 AND UPON MY RECOLLECTION BEING SO REFRESHED, I
2 HAVE NOW A SPECIFIC RECALL THAT MR. PYNES HAD ASKED ME
3 PERSONALLY A FEW QUESTIONS, EITHER IN THE PROCESS OF THE
4 DOCUMENT REVIEW, THE PRIVILEGE REVIEW, OR PREPARATION OF
5 THE PRIVILEGE LOG.

6 Q. DO YOU RECALL EXACTLY WHAT MR. PYNES DID ON THAT
7 CASE?

8 A. I BELIEVE THAT HE REVIEWED LIBERTY MUTUAL
9 WORKERS' COMPENSATION CLAIMS FILES, CONDUCTED A PRIVILEGE
10 REVIEW, MADE A LEGAL DETERMINATION OF WHAT DOCUMENTS WERE
11 PRIVILEGED, PROTECTED OR OTHERWISE IMMUNE FROM DISCOVERY,
12 AND THAT HE DRAFTED A PRIVILEGE LOG.

13 Q. HE JUST LOOKED AT CLAIM FILES; RIGHT? FOR LESS
14 THAN HALF A DAY?

15 A. I DON'T KNOW HOW LONG HE SPENT. I DON'T HAVE
16 ACCESS TO TIME RECORDS. I DON'T KNOW HOW LONG IT TOOK HIM
17 TO DO THE REVIEW I PREVIOUSLY TESTIFIED ABOUT IN
18 PREPARATION.

19 Q. YOU DON'T HAVE ANY REASON TO THINK HE SPENT MORE
20 THAN THAT AMOUNT OF TIME, DO YOU?

21 A. I DON'T KNOW HOW MUCH TIME HE SPENT. I DON'T
22 KNOW HOW MANY CLAIM FILES THERE WERE OR THE VOLUME OF THE
23 CLAIM FILES HE WAS REVIEWING.

24 Q. SO YOU DON'T HAVE ANY REASON TO THINK HE SPENT
25 ANY MORE THAN THAT AMOUNT OF TIME?

DEPOSITION OF LISA KRALIK HANSEN

1 A. I DON'T KNOW WHAT AMOUNT OF TIME HE SPENT.

2 Q. AND YOU DON'T HAVE ANY REASON TO BELIEVE THAT HIS
3 REVIEW OF DOCUMENTS WAS SIMPLY LIMITED TO LOOKING AT CLAIM
4 FILES; RIGHT?

5 A. CAN YOU READ THAT BACK?

6 (WHEREUPON THE PREVIOUS QUESTION WAS
7 READ BACK BY THE DEPOSITION OFFICER.)

8 THE DEPONENT: I'M KIND OF CONFUSED BY YOUR
9 QUESTION, MICHAEL, BUT I BELIEVE THAT HIS WORK ON TONY'S
10 FINE FOODS WAS AS I'VE TESTIFIED.
11 BY MR. ADREANI:

12 Q. MR. PYNES NEVER MADE AN APPEARANCE IN THAT CASE,
13 DID HE?

14 A. NOT TO MY KNOWLEDGE.

15 Q. MR. PYNES NEVER MET THE CLIENT IN THAT CASE, DID
16 HE?

17 A. I HAVE NO IDEA.

18 Q. MR. PYNES NEVER SAW A CLAIMS MANUAL IN THAT CASE,
19 DID HE?

20 A. I DON'T KNOW WHAT HE SAW OR DID NOT SEE IN
21 CONNECTION WITH THE WORK HE WAS ASSIGNED TO DO ON THAT
22 CASE.

23 Q. MR. PYNES NEVER SAW A CLAIMS MANUAL WITH REGARD
24 TO WORKERS' COMPENSATION, DID HE?

25 A. HE HAD ACCESS TO THEM.

DEPOSITION OF LISA KRALIK HANSEN

1 Q. THAT'S NOT MY QUESTION.

2 A. I DON'T KNOW. I DON'T KNOW WHAT MR. PYNES SAW OR
3 DIDN'T SAW OR REVIEWED OR DIDN'T REVIEW WHILE HE WAS
4 EMPLOYED BY KERN & WOOLEY IN --

5 Q. WELL, THAT'S NOT WHAT YOUR DECLARATION SAYS,
6 LISA.

7 A. NO. I NEED TO CLARIFY THAT ANSWER. I KNOW WHAT
8 MR. PYNES WORKED ON, WHAT HE DID, GENERAL AWARENESS OF THE
9 WORK HE WAS ASSIGNED TO DO AND THE WORK THAT HE ACTUALLY
10 DID ON LIBERTY MUTUAL FILES WHILE EMPLOYED AT KERN &
11 WOOLEY.

12 WHAT HE LOOKED AT IN TERMS OF THE COMPUTER
13 SYSTEM, THE OVERALL FILE MATERIALS, AND GENERAL
14 INFORMATION WE HAVE PERTAINING TO THE LIBERTY MUTUAL GROUP
15 OF COMPANIES THAT WAS IN THE POSSESSION OF KERN & WOOLEY,
16 I DON'T KNOW WHAT HE DID OR DID NOT LOOK AT BEYOND HIS
17 SPECIFIC WORK ON SPECIFIC CASES.

18 Q. SO YOU HAVE NO REASON TO THINK THAT HE EVER SAW A
19 WORKERS' COMPENSATION CLAIMS MANUAL; RIGHT?

20 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE
21 QUESTION. ARGUMENTATIVE.

22 THE DEPONENT: THEY WERE IN OUR OFFICE AT THAT
23 POINT IN TIME AND I -- ALL I CAN TESTIFY TO IS THAT THEY
24 WOULD HAVE BEEN IN OUR OFFICE AT THAT TIME BECAUSE WE HAD
25 WORKERS' COMPENSATION BAD FAITH CASES IN OUR OFFICE AT

DEPOSITION OF LISA KRALIK HANSEN

1 THAT POINT IN TIME AND MR. PYNES HAD ACCESS TO THEM.

2 BY MR. ADREANI:

3 Q. HE DIDN'T WORK ON THOSE CASES; RIGHT? OTHER THAN
4 THE CLAIM REVIEW THAT YOU MENTIONED?

5 A. HE WORKED ON TONY'S FINE FOODS.

6 Q. OTHER THAN THE CLAIM REVIEW THAT HE WORKED ON IN
7 THAT ONE CASE, HE DIDN'T WORK ON THOSE CASES, DID HE?

8 MR. SKOCYPEC: OBJECTION TO THE FORM OF THE
9 QUESTION.

10 THE DEPONENT: WELL, COUNSEL, JUST BECAUSE
11 SOMEONE THAT DOESN'T WORK ON A PARTICULAR CASE DOESN'T
12 MEAN THAT A LAWYER IS GOING TO DO A THOROUGH JOB AND LOOK
13 AT DOCUMENTS AND GET A GENERAL WORKING UNDERSTANDING OF
14 THE CLIENT THAT HE OR SHE IS WORKING FOR. THOSE DOCUMENTS
15 WERE THERE. THEY WERE IN OUR OFFICE. THEY WERE
16 ACCESSIBLE TO MR. PYNES.

17 BY MR. ADREANI:

18 Q. YOU'RE NOT AWARE OF MR. PYNES EVER LOOKING AT A
19 WORKERS' COMPENSATION CLAIMS MANUAL, ARE YOU, FOR LIBERTY
20 MUTUAL?

21 A. I DON'T KNOW IF HE DID OR HE DIDN'T.

22 Q. HERE IN THE MIDDLE SENTENCE OF YOUR DECLARATION,
23 I'M GOING TO READ THE SENTENCE FOR THE RECORD, YOU STATE
24 "WHILE REPRESENTING LIBERTY, CRAIG PYNES WAS INVOLVED IN
25 THE REVIEW OF LIBERTY'S CLAIM FILES AND/OR CLAIM MANUALS,

DEPOSITION OF LISA KRALIK HANSEN

1 WRITTEN DISCOVERY, MEDIATION AND STRATEGY DISCUSSIONS,
2 DOCUMENT PRODUCTIONS (INCLUDING ANALYSES OF PRIVILEGED
3 MATERIALS) AND THE PREPARATION OF LEGAL MEMORANDA."

4 DO YOU SEE THAT?

5 A. YES.

6 Q. OKAY. NOW, THIS IS NOT -- STRIKE THAT.

7 WHEN YOU SAY -- WHEN YOU DECLARE HERE THAT
8 MR. PYNES WAS INVOLVED IN THE REVIEW OF CLAIM MANUALS,
9 YOU'RE NOT TALKING ABOUT WORKERS' COMPENSATION CLAIM
10 MANUALS, ARE YOU?

11 A. IT DEPENDS AT WHAT POINT IN TIME IS INVOLVED IN A
12 PARTICULAR CASE.

13 IF A CASE GOES BACK IN TIME, DEPENDING ON THE
14 TIMING OF THE CLAIM INVOLVED, IT'S MY RECOLLECTION THAT AT
15 SOME POINT IN TIME LIBERTY MUTUAL DID NOT HAVE A SEPARATE
16 WORKERS' COMPENSATION CLAIMS MANUAL AND THAT THAT WAS PART
17 OF A MULTIVOLUME SERIES OF CLAIM MANUALS WHICH WERE
18 ACCESSIBLE, PRODUCED PURSUANT TO PROTECTIVE ORDER IN A
19 NUMBER OF CASES.

20 MY RECOLLECTION IS THAT AT A LATER POINT IN TIME
21 THERE WOULD HAVE BEEN A SEPARATE OR A MORE SPECIFIC
22 WORKERS' COMPENSATION CLAIM MANUAL FOR LIBERTY MUTUAL.

23 Q. WELL, YOU'RE SAYING HERE THAT HE DID. THIS IS
24 NOT YOU SAYING IN THIS SENTENCE THAT HE HAD ACCESS TO OR
25 THAT HE MAY HAVE DONE THIS. YOU'RE SAYING HE DID, THAT HE

DEPOSITION OF LISA KRALIK HANSEN

1 WAS INVOLVED IN REVIEWING CLAIM MANUALS.

2 A. ABSOLUTELY HE WAS.

3 Q. OKAY. BUT THESE WERE NOT WORKERS' COMPENSATION
4 CLAIMS MANUAL THAT HE WAS ACTUALLY INVOLVED IN REVIEWING,
5 WERE THEY? AND --

6 A. IT COULD HAVE BEEN, DEPENDING ON THE TIMING OF
7 THE VERSION OF THE CLAIM MANUAL INVOLVED IN THE PARTICULAR
8 CASE.

9 Q. WELL, LET'S REFRESH YOUR RECOLLECTION WITH YOUR
10 TESTIMONY THAT MR. PYNES WORKED THERE IN 2003, 2004. DOES
11 THAT REFRESH YOUR RECOLLECTION AS TO WHETHER OR NOT THERE
12 WERE SEPARATE CLAIMS MANUALS FOR WORKERS' COMPENSATION AND
13 OTHER LINES OF INSURANCE?

14 MR. SKOCYPEC: OBJECTION. UNINTELLIGIBLE.

15 THE DEPONENT: IT DOESN'T REFRESH MY
16 RECOLLECTION. IT WOULD DEPEND ON THE SPECIFIC TIMING OF
17 EACH CASE. WE HAD A LOT OF CONSTRUCTION DEFECT MATTERS IN
18 OUR OFFICE AND THOSE CAN GO BACK -- THOSE GO BACK INTO THE
19 '90S AS OF 2003.

20 BY MR. ADREANI:

21 Q. YOU'RE NOT AWARE OF MR. PYNES EVER LOOKING AT A
22 WORKERS' COMPENSATION CLAIMS MANUAL, ARE YOU?

23 A. I HAVE NO PERSONAL KNOWLEDGE THAT MR. PYNES WOULD
24 HAVE INDEED REVIEWED A CLAIMS MANUAL SPECIFIC TO WORKERS'
25 COMPENSATION, BUT HE DID REVIEW CLAIMS MANUALS.